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2872

REPLY TO OFFICE ACTION

APPLICATION NUMBER

09/853,790

FILING DATE

05/11/2001

FIRST NAMED INVENTOR

Stanley H. Kremen

TITLE OF INVENTION

METHODS OF PREPARING HOLOGRAMS

ATTORNEY DOCKET NO.

102105-162-CIP1

EXAMINER:

Alessandro V. Amari

ART UNIT:

2872

DATE OF OFFICE ACTION:

Mailed 04/14/2003

DATE OF REPLY:

05/14/2003

EXPRESS MAIL RECEIPT NO:

EU 743197539 US

REPLY DOCUMENT PACKAGE #2:

Eighty pages consisting of:

1. This Cover Sheet (1 page)
2. Transmittal Letter (3 pages)
3. Provisional Election Required Under 35 U.S.C. 121 and 37 CFR 1.143 and Arguments Traversing Requirement For Restriction (13 pages)
4. Substitute Specification (21 pages)
5. Original Specification With Marked-Up Changes (21 pages)
6. Marked-Up Amendments To The Claims (7 pages)
7. Clean Unmarked Copy of Amended Claims (11 pages)
8. Claim History (3 pages)
9. Return Post Card

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PATENT TRADEMARK OFFICE



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Handwritten notes: #8/B, 5/12/03, and a signature.

May 14, 2003

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In Re: Stanley H. Kremen (Inventor)
Non-Provisional Patent Application No. 09/853,790
Filed: May 11, 2001

Examiner: Alessandro V. Amari
Group Art Unit: 2872

Express Mail Certificate No. EU 743197539 US
Date Mailed: May 14, 2003

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Gentlemen:

Receipt of your Office Communication dated April 14, 2003 is hereby acknowledged, said Office Communication being a notice that my reply of December 10, 2002 to an earlier Office Action of November 20, 2002 is not fully responsive. In the November 20, 2002 Office Action, the Examiner issued a requirement for restriction based upon 35 U.S.C. § 121. In that action, the Examiner identified claims in the application which in his opinion belonged to six separate species (or embodiments) that are independent and patentably distinct. His requirement for restriction is based upon the opinion defining said six species. The Applicant respectfully disagrees with his opinion, submits that the Examiner has not established a *prima facie* case for restricting the claims, traverses the Examiner's argument, and offers arguments to convince the Examiner.

In addition, Applicant herewith submits amendments to the specification of said application by way of a substitute specification attached hereto according to 37 CFR § 1.125, and requests that said substitute specification be entered. A clean copy of the substitute specification is attached hereto followed by a marked-up version of the original specification showing the changes. No new matter has been introduced. Furthermore, preliminary amendments to the claims are submitted herewith. A claim history is also attached hereto.

The Applicant believes that, should the Examiner accept the claim amendments, the restriction requirement would become moot. However, the Applicant is also aware of the requirement under 35 U.S.C. §121 and 37 CFR §1.143 that he provisionally elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. To comply with this requirement, the Applicant provisionally elects the Examiner's designated Species 3 (claims 12-22) for further prosecution. However, by doing so, the Applicant does not waive his right of appeal or petition regarding any adverse decision on this matter.

No fees for additional claims should be required since said fees were already submitted to the USPTO for this purpose along with Applicant's reply of December 10, 2002 by check and subsequently in a facsimile transmission by credit card on February 25, 2003.

The Applicant trusts that the information provided herein will prove sufficient as a fully responsive reply to the Examiner's first office action. The Applicant asserts that he has made a good faith effort to provide a complete reply to the action. However, in spite of his effort, should the reply be deficient in any way, since time still remains for replying to this action, the Applicant requests that the Examiner respond with an advisory action indicating what must still be done by the Applicant to complete the reply.

After the Examiner has had the opportunity to review the Applicant's arguments and the attached amendments, should the Examiner believe that all claims in the aforementioned patent application are not in condition for allowance, the Applicant respectfully requests the opportunity of an interview with the Examiner. If the remaining objections and/or rejections are simple, perhaps a telephone interview will suffice. However, the Applicant would have no problems traveling to Virginia to meet with the Examiner. The purpose of said interview would be to discuss the claims in an effort to work with the Examiner to put the entire patent application into a condition for allowance as soon as possible.

The Applicant wishes to make a request. When the aforementioned patent application was submitted to the USPTO on May 11, 2001, it was correctly submitted with the correct inventorship, *i.e.*, in the name of the sole inventor, **Stanley H. Kremen**. However, the pre-grant publication indicates the Applicant's name as **Stanley Kremen**, *i.e.*, without the middle initial "H." Omission of the middle initial is clearly an error of the USPTO since the filing receipt (as well as the cover sheet of the original application)

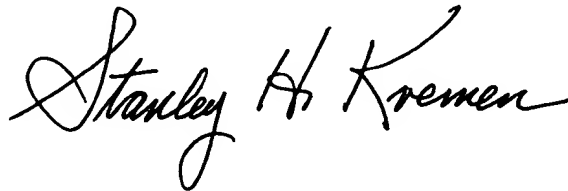
contain the middle initial. The Applicant respectfully requests that his entire name with the middle initial included, viz., **Stanley H. Kremen**, appear on any patent that issues from said patent application.

Furthermore, the aforementioned patent application was originally filed in the USPTO by registered patent attorneys of the firm of Goodwin, Procter & Hoar which at that time represented the Applicant. On September 9, 2002, the Applicant revoked all previous powers of attorney, and elected to continue prosecution of said application *pro se*. The Applicant is now a registered agent with the USPTO. Applicant requests that no reference to Goodwin, Procter & Hoar as representing the Applicant appear on any patent that issues from said patent application.

Finally, it should be noted that Applicant has had several telephone conversations with the Examiner. These conversations were related to the status of the patent application, the already submitted reply of December 10, 2002, as well as the desire of the Applicant to submit said substitute specification under 37 CFR § 1.125 and amendments to the claims. Applicant wishes to bring to the attention of the Office the Examiner's helpfulness in arriving at a solution to problems of submitting amendments. Applicant wishes to thank the Examiner for his efforts.

Thank you for your kind attention.

Respectfully submitted,

A handwritten signature in black ink that reads "Stanley H. Kremen". The signature is written in a cursive, flowing style with a large initial 'S'.

Stanley H. Kremen,
Applicant
Registration No. 51,900